

REMARKS

Upon entry of the present amendment, claims 1-4, 7-10 and 12-14 are pending in this application. Claims 1 and 7 have been amended and claims 12-14 have been added to recite the compounds elected by the Applicants. No new matter is added.

CLAIM OBJECTIONS

The Examiner has objected the specification and claims 1 and 7 for reciting the punctuation "{...}" and "(...)". As suggested by the Examiner, Applicants have amended the specification and claims 1 and 7 to delete "{...}" and "(...)" and to recite appropriate punctuation numeral ",". The Examiner has also objected to the specification for improperly reciting the term "said heterocycle". Applicants have deleted "said heterocycle" as suggested by the Examiner. Applicants submit that this objection is now moot and should be withdrawn.

CLAIM REJECTIONS

35 U.S.C. § 103 Rejection

Claims 1-4 and 7-10 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,853,703 to Cerami ("Cerami"). The Examiner states that Cerami discloses a treatment for hypertension using 3-(2-phenyl-2-oxoethyl)-4,5-dimethylthiazolium bromide or a thiazolium compound where the halo atom can be chloride. *See*, Office Action at pages 4-5. Applicants traverse.

Applicants have amended claim 1 (from which claims 2-4, 7-10 and 12-14 properly depend) to recite "method of treating, ameliorating or preventing hypertension or systolic hypertension in an animal, including a human, comprising administering (A) an effective amount of an antioxidant, angiotensin converting enzyme (ACE) inhibitor, angiotensin II receptor antagonist, calcium channel blocker, diuretic, digitalis, beta blocker, statin or


cholestyramine; and (B) an effective amount of a compound of the formula I.” Support for this amendment can be found at page 2, lines 3-5; page 21, line 15 – page 22, line 30.

Cerami does not teach or suggest thiazolium compounds in combination with an antioxidant, angiotensin converting enzyme (ACE) inhibitor, angiotensin II receptor antagonist, calcium channel blocker, diuretic, digitalis, beta blocker, statin or cholestyramine to treat hypertension or systolic hypertension. In fact, Cerami does not teach any combination therapies with any thiazolium compounds for the treatment, amelioration or prevention of any disorders. As such, Applicants submit that one of ordinary skill in the art reading Cerami would not and could not reach the present invention as claimed and amended herein. Withdrawal of this rejection is respectfully requested.

CONCLUSION

On the basis of the foregoing amendment and remarks, Applicants respectfully submit that the pending claims are in condition for allowance and a Notice of Allowance for the pending claims is respectfully requested. If there are any questions regarding this application that can be handled in a phone conference with Applicants’ Attorneys, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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